

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LONDON-SIRE RECORDS, INC., et al.,)
Plaintiffs)
v.)
DOE 1 et al.,)
Defendants.)

No. 1:04cv12434-NG
LEAD DOCKET NO.

**PLAINTIFFS' MOTION TO STRIKE DEFENDANT'S REPLY TO OPPOSITION TO
MOTION TO (A) STRIKE DECLARATIONS OF CARLOS LINARES IN SUPPORT OF
EX PARTE APPLICATIONS FOR LEAVE TO TAKE IMMEDIATE DISCOVERY; AND
(B) VACATE ALL ORDERS GRANTING SAID APPLICATIONS**

Plaintiffs respectfully submit the following Motion to Strike Reply to Opposition to Motion to (A) Strike Declarations of Carlos Linares in Support of *Ex Parte* Applications for Leave to Take Immediate Discovery; and (B) Vacate all Orders Granting Said Applications. In support of their Motion, Plaintiffs state as follows:

A Defendant identifying himself as John Doe filed the Motion to (A) Strike Declarations of Carlos Linares in Support of *Ex Parte* Applications for Leave to take Immediate Discovery; and (B) Vacate all Orders Granting Said Applications referenced above on April 9, 2008. (Doc. No. 170.) On April 23, 2008, Plaintiffs filed their Opposition with the Court. (Doc. No. 177.) Defendant has now filed a Reply Brief. (Doc. No. 178.) Local Rule 7.1, which governs motion practice in this Court, requires that motion papers in the form of a reply brief “be submitted only with leave of court.” Local Rule 7.1(b)(3). The Court has discretion to strike motion papers that are not filed in accordance with the Local Rules. *See SEC v. Going Platinum, Inc.*, 2004 U.S.

Dist. LEXIS 20082, *6 n. 5 (E.D. Pa. Sept. 23, 2004) (noting that a reply brief may be permitted at the discretion of a district court pursuant to the local rules, and striking a reply brief when the defendant did not request permission to file). Defendant did not request—and the Court did not grant—leave to file the Reply. Accordingly, Plaintiffs respectfully request that the Court strike Defendant's Reply because it was filed without leave from the Court in violation of the Local Rules.

WHEREFORE, Plaintiffs respectfully request that the Court strike Defendant's Reply Brief (Doc. No. 178) because it was filed in violation of Local Rule 7.1(b)(3).

ARISTA RECORDS LLC; WARNER BROS. RECORDS INC.; ATLANTIC RECORDING CORPORATION; VIRGIN RECORDS AMERICA, INC.; UMG RECORDINGS, INC.; BMG MUSIC; CAPITOL RECORDS, INC.; SONY BMG MUSIC ENTERTAINMENT; MOTOWN RECORD COMPANY, L.P.; MAVERICK RECORDING COMPANY; ELEKTRA ENTERTAINMENT GROUP INC.; LAFACE RECORDS LLC; and INTERSCOPE RECORDS

By their attorneys,

Dated: May 7, 2008

By: /s/ Nancy M. Cremins
John R. Bauer, BBO# 630742
Nancy M. Cremins, BBO # 658932
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108-4404
Main Phone: (617) 557-5900
Main Fax: (617) 557-5999

CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2(b), I, Nancy M. Cremins, hereby certify that this document filed through the ECF system on May 7, 2008 will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Nancy M. Cremins
Nancy M. Cremins